

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

-vs-

ROBERT SHERMAN BERRY,

Plaintiff,

Defendant.

Case No. 2:96-CR-0259-WFN-1

CRIMINAL MINUTES

DATE: NOVEMBER 16, 2022

LOCATION: SPOKANE

RESENTENCING HEARING

		Hon. Wm. Fremming Nielsen			
Joanna L. Knutson Courtroom Deputy		Jon T. Burtard Law Clerk		Ronelle F. Corbey Court Reporter	
Joseph H. Harrington Government Counsel			Walter L. Ayers and Zachary L. Ayers Defense Counsel		
United States Probation Officer: Sean E. Carter (Videoconference)					

☒ **Open Court**

☐ **Chambers**

☒ **Videoconference**

Defendant, who is not in custody, participated by video and was represented by appointed counsel who appeared in person. Court confirmed with Defendant that he consents to participating by video. Defendant Berry indicated that he did. All other participants participated in person, except the Probation Officer who also participated by video.

Initial comments by Court regarding the Ninth Circuit's remand for resentencing on the issue of supervised release in light of Defendant having been released in May 2021 on the Court's granting of his Motion for Compassionate Release.

Court confirmed with counsel that they had no objections to the updated PSR. Court also confirmed with Defendant that he had the opportunity to review the updated PSR and further queried Defendant as to whether he had any objections; Defendant indicated he saw the amended PSR and had no objections. The Court accepted the updated Presentence Investigation Report.

Court suggested there are three possible outcomes from this hearing based on the remand from the Ninth Circuit: (1) impose a new term of supervised release; (2) early termination of supervised release; or (3) continue on the current term of supervised release under the same conditions. Both defense counsel and Government counsel agreed.

Mr. W. Ayers addressed the Court in support of Defendant's motion for early termination of supervised release and his recommendation for resolution. Mr. Harrington addressed the Court with his recommendation for resolution. Defendant addressed the Court on his own behalf with some inquiry by the Court.

For the reasons stated on the record, the Court ordered that the Defendant shall be continued on supervised release, which is set to expire on May 13, 2026, under all previously imposed conditions. Court reminded the Defendant to continue making restitution payments which was ordered joint and several with co-Defendants.

Appeal rights given.

CONVENED: 10:35 A.M.	ADJOURNED: 11:14 A.M.	TIME: 0:39 HR.	CALENDARED [N/A]
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